



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,836	01/12/2004	Russell K. Myers	LEE 200380	9786

27885 7590 12/13/2005

FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP
1100 SUPERIOR AVENUE, SEVENTH FLOOR
CLEVELAND, OH 44114

EXAMINER

SHAW, CLIFFORD C

ART UNIT	PAPER NUMBER
----------	--------------

1725

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/754,836

Applicant(s)

MYERS ET AL.

Examiner

Clifford C. Shaw

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-125 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-125 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0112.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

1.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2.) Claims 1-8, 19-26, 31-40, 43-47, 50-60, 64-76, 80-92, and 96-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Lincoln Electric article entitled "Another Arc Welding Development The Lincoln One Side System", cited by applicant, taken with Stava et al. (6,207,929, cited by applicant). On page 2, the diagram labeled "Modified Series Arc System for Prepared Edge Butt Welding", the Lincoln Electric article discloses an electric arc welder with features claimed, including two electrodes connected as claimed and a third electrode. The claims differ in calling for particular features associated with the power supply such as a high speed switching stage and various combinations of AC and DC current. These differences do not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used any well known type of power supply in the system of the Lincoln Electric article. In particular, it would have been obvious to have used a power supply with the features claimed, the motivation being the teachings of Stava et al. (6,207,929) that such is advantageous for tandem arc welding (see figure 2 and the discussion thereof and the discussion at column 4 in Stava et al. (6,207,929)).

Art Unit: 1725

3.) Claims 9-16, 41, 42, 48, 49, 61-63, 77-79, and 93-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Lincoln Electric article taken with Stava et al. (6,207,929) as applied to claims 1-8, 19-26, 31-40, 43-47, 50-60, 64-76, 80-92, and 96-100 above, and further in view of Stava (6,291,798, cited by applicant). The only aspects of the claims to which the rejection above does not apply are the limitations directed to parallel power supplies. These differences do not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used parallel connected power supplies in the combination, the motivation being the teachings of Stava (6,291,798) that such are useful (see figure 1 of Stava (6,291,798) and the discussion thereof).

4.) Claims 27-30 and 101-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Lincoln Electric article taken with Stava et al. (6,207,929) as applied to claims 1-8, 19-26, 31-40, 43-47, 50-60, 64-76, 80-92, and 96-100 above, and further in view of Outcalt et al. (2,669,640). The only aspects of the claims to which the rejection above does not apply are the limitations directed to the separately controlled wire feed speeds. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used any conventional wire feed arrangement for the system of the Lincoln Electric article. In particular, it would have been obvious to have used separately controlled ones as claimed, the motivation being the teachings of Outcalt et al. (2,669,640) that such is advantageous when feeding two electrodes (see elements 10, 22, and 26 in figure 1 of Outcalt et al. (2,669,640)). In regard to the claim limitations specifying the connection of wire feeders to particular power supplies, it would have been obvious to have powered the motors of

Art Unit: 1725

Outcalt et al. (2,669,640) from any convenient source, including any of the several power supplies of the combination, as determined by routine design considerations.

5.) Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Lincoln Electric article taken with Stava et al. (6,207,929) taken with Stava (6,291,798) as applied to claims 9-16, 41, 42, 48, 49, 61-63, 77-79, and 93-95 above, and further in view of Outcalt et al. (2,669,640). The only aspects of the claims to which the rejection above does not apply are the limitations directed to the separately controlled wire feed speeds. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used any conventional wire feed arrangement for the system of the Lincoln Electric article. In particular, it would have been obvious to have used separately controlled ones as claimed, the motivation being the teachings of Outcalt et al. (2,669,640) that such is advantageous when feeding two electrodes (see elements 10, 22, and 26 in figure 1 of Outcalt et al. (2,669,640)). In regard to the claim limitations specifying the connection of wire feeders to particular power supplies, it would have been obvious to have powered the motors of Outcalt et al. (2,669,640) from any convenient source, including any of the several power supplies of the combination, as determined by routine design considerations.

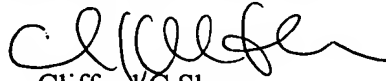
Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through

Art Unit: 1725

Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Clifford C Shaw
Primary Examiner
Art Unit 1725

December 9, 2005